


Notice of Allowability	Application No.	Applicant(s)	
	09/682,877	MILLER ET AL. 	
	Examiner	Art Unit	
	Carlos Lugo	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on October 25, 2004.
2. ☒ The allowed claim(s) is/are 6-19.
3. ☒ The drawings filed on 18 September 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on October 25, 2004.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. The application has been amended as follows:
 - Page 1 Line 2, the phrase "filed August 9, 2001" has been amended as -filed on August 9, 2001, now US Pat No 6,761,381-.

Allowable Subject Matter

4. **Claims 6-19 are allowed.**

Reasons For Allowance

5. The following is an examiner's statement of reasons for allowance:

Claims 6,11,16 and 19 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the handle is entirely disposed within the hooded portion (Claim 6 Line 5; Claim 11 Line 6; Claim 16 Line 4; and Claim 19 Line 4).

Rop (US 2,948,560) discloses a latch assembly comprising a door including a door retainer projection (16) and a hooded portion (Figures 1-3).

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The latch assembly further includes a keeper (11) mounted in the device.

A latch handle (20) is pivotally mounted to the door beneath the hooded portion. The handle is configured to rotate about a first longitudinal axis (21).

A latch actuator (14) is pivotally mounted to the door. The latch actuator is configured to rotate about a second longitudinal axis (15).

The latch handle and the latch actuator are rotationally coupled. The latch handle pivots in one direction and the latch actuator pivots in another direction.

The handle is selectively positional between an open and a closed position to couple the door to the device.

The latch actuator disengages the keeper from the door retainer projection as the latch handle rotates.

The device includes a tub assembly (wherein the keeper is mounted).

Also, Rop teaches another embodiment (Figure 10) that illustrates a hooded portion to be rounded (at 40) and having a resilient keeper (51).

As to the fact that the latch assembly is a dishwasher latch door assembly, Rop discloses that the latch mechanism is for refrigerators and for other applications in which a tight closure is required (Col. 1 Lines 15-20). It is well known in the art that dishwashers need a tight closure of the door with respect to the device.

However, Rop fails to disclose that the handle is entirely disposed within the hooded portion. Rop discloses that only a portion of the handle (20) is disposed in the hooded portion (Figures 1-3).

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Marks (US 4,776,620), DeSchaaf (US 3,997,201) and Irwin (US 6,565,164) devices also fail to teach that the handle is entirely disposed within the hooded portion.

Prada (US 5,810,403) and Kropf (US 5,174,618) teach that it is known in the art to have a handle that is entirely disposed within the hooded portion. However, it would not be obvious to combine this teaching into the device that Rop describe, Rop does not give any reason to have the handle entirely disposed within the hooded portion. Rop handle is design to be disposed outside the hooded portion so a person can grab it to open the door.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3677

November 16, 2004.

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive, flowing style.

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600